

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:90cr85-7**

UNITED STATES OF AMERICA,

Vs.

GARY LEWIS DAVIS,

Defendant.

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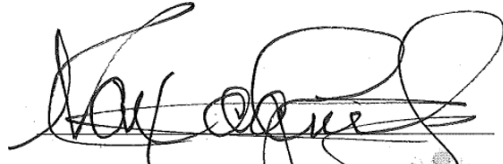
ORDER

THIS MATTER is before the court on defendant's *pro se* "Motion Under Federal Rule of Civil Procedure 59(e)" (#86), which the court deems to be a Motion for Reconsideration. Prior to filing such motion, defendant filed a Notice of Appeal (#84) as to the Order on which he seeks reconsideration, and such appeal is pending before the Court of Appeals for the Fourth Circuit. Davis v. United States, No.12-7313 (4th Cir. August 7, 2012). In accordance with Rule 12.1, Federal Rules of Appellate Procedure, the court has closely reviewed defendant's Motion to Reconsider and, as an indicative ruling, finds no basis to grant the motion and that the motion does not raise a substantial issue.

ORDER

IT IS, THEREFORE, ORDERED that as to defendant's *pro se* "Motion Under Federal Rule of Civil Procedure 59(e)" (#86), deemed to be a motion for reconsideration filed after appeal, the court finds as an indicative ruling no basis to grant the motion and that the motion does not raise no substantial issue.

Signed: August 16, 2012



Max O. Cogburn Jr.
United States District Judge